## REMARKS

Applicants and Applicants' attorney express appreciation to the Examiner for the courtesies extended during the recent interview held on September 13, 2004. The amendments to the claims and arguments presented by this paper are consistent with the claim amendments and arguments presented during the Interview.

Claims 1-42 are pending, of which claims 1, 11 and 32 are independent method claims and claim 21 is an independent computer program product claim. As indicated above, claims 1, 11, 15, 20, 21 and 32 have been amended by this paper.[1]

The Office Action rejected independent method claim 1 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,248,946 to Dwek ("*Dwek*"); rejected independent method claims 11 and 32, and independent computer program product claim 21 under 35 U.S.C. § 103(a) as being unpatentable over *Dwek* in view of U.S. Patent No. 6,639,608 to Itakura ("*Itakura*"); and rejected the remaining dependent claims under 35 U.S.C. § 102(e) or 35 U.S.C. § 103(a) as either being anticipated by *Dwek* or as being unpatentable over *Dwek* in view of various combinations of U.S. Patent No. 6,687,906 to Yuen et al. ("*Yuen*"), *Itakura*, and/or U.S. Patent No. 6,137,834 to Wine et al. ("*Wine*").[2]

Applicants' invention, as claimed for example in independent method claim 1, relates to transitioning to a video advertisement by displaying a related banner advertisement. The method includes: receiving one or more video streams containing a plurality of video advertisements which begin at a plurality of distinct times; generating, on the display device, a display screen having an advertisement region in which a video advertisement starting at a begin time is to be

[1]Support for the amendments can be found throughout the Specification, and particularly at paragraphs [054], [058], [059], and [069].

[2]Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to do so in the future. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status or asserted teachings of the cited art.

displayed, the display screen being generated prior to the begin time of the video advertisement; while waiting for the begin time of the video advertisement, displaying a banner advertisement within the advertisement region, the banner advertisement having subject matter that is related to that of the video advertisement; and at the begin time of the video advertisement, replacing the banner advertisement with the video advertisement.

Applicants' invention, as claimed for example in independent method claim 11, relates to displaying video advertising content to a viewer by way of the display device. The method includes: receiving one or more video streams containing a plurality of video advertisements which begin at a plurality of distinct times; receiving at least one trigger from a first video stream communicating with the processor, the at least one trigger defining a begin time when a first video advertisement in the first video stream is to be displayed, on the display device, within an advertisement region of a display screen, the display screen having been generated prior to the begin time of the first video advertisement; displaying a first banner advertisement within the advertisement region of the display device until the begin time is reached, the first banner advertisement having subject matter related to that of the first video advertisement; and upon reaching the begin time, transitioning between the first banner advertisement and the first video advertisement to display the first video advertisement within the advertisement region.

Applicants' invention, as claimed for example in independent computer program product claim 21, relates to a computer product for implementing a method for displaying video advertising content to a viewer, the video advertising content selectable from at least one video advertisement content deliverable upon at least one video stream. The computer program product includes a computer readable medium carrying computer-executable instructions for implementing the method, and the computer-executable instructions comprise: program code

means for receiving one or more video streams containing a plurality of video advertisements which begin at a plurality of distinct times; program code means for receiving a first video advertisement from a first video stream of the at least one video stream communicating with the processor, the first video advertisement comprising video advertising content and at least one trigger defining time information regarding the video advertising content; program code means for analyzing the time information of the at least one trigger to identify a begin time when the video advertising content is to be displayed upon a display device within an advertisement region of a display screen, the display screen having been generated prior to the begin time of the first video advertisement; program code means for displaying a first banner advertisement within the advertisement region of the display device; and program code means for transitioning between the first banner advertisement and the advertising content of the first video advertisement, in response to analyzing the trigger, to display the first video advertising content within the advertisement region.

Applicants' invention, as claimed for example in independent method claim 32, relates to a method for targeting a viewer with video advertising content based upon the viewer's preferences. The method includes: receiving one or more video streams containing a plurality of video advertisements which begin at a plurality of distinct times; retrieving preference data from a data source, the preference data representing viewing selections of the viewer; generating a display screen having an advertisement region in which at least one video advertisement starting at a begin time is to be displayed, the display screen being generated prior to the begin time of the first video advertisement; while waiting for the begin time of the first video advertisement, displaying a first banner advertisement within the advertisement region of the display device, the first banner advertisement displaying advertising content in compliance with the preference data;

identifying a plurality of video advertisements deliverable to the processor by a plurality of video streams, each video advertisement of the plurality of video advertisements comprising video advertising content, at least one trigger, and a video content identifier; analyzing each of the plurality of video streams to identify the at least one video advertisement of the plurality of video advertisements comprising the video content identifier in compliance with the preference data; and in response to analyzing the video content identifier of the at least one video advertisement, transitioning between the first banner advertisement and the least one video advertisement of the plurality of video advertisements to display the at least one video advertisement at the begin time of the at least one video advertisement.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131. That is, "for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly." MPEP § 706.02. Applicants also note that "[i]n determining that quantum of prior art disclosure which is necessary to declare an applicant's invention 'not novel' or 'anticipated' within section 102, the stated test is whether a reference contains an 'enabling disclosure.'" MPEP § 2121.01. In other words, a cited reference must be enabled with respect to each claim limitation.

In order to establish a *prima facie* case of obviousness, "the prior art reference (or references when combined) must teach or suggest all the claim limitations." MPEP § 2143 (emphasis added). During examination, the pending claims are given their broadest reasonable interpretation, i.e., they are interpreted as broadly as their terms reasonably allow, consistent with the specification. MPEP §§ 2111 & 2111.01.

*Dwek* discloses a system and method for delivering multimedia content to computers over a computer network. Col. 3, ll. 41-43. The media player comprises a user interface that allow a user to search a online database of media selections and build a custom playlist. Col. 3, ll. 45-48. A multimedia content delivery system delivers advertisements which remain visible on the user's computer display screen at all times while a music player is open. Col. 3. ll. 50-54. The advertisements are displayed in a window which always remains on the topmost level of windows on the user's computer display, even when executing one or more other programs. Col. 3, ll. 54-57. Advertisements may be simple banner ads or may includes picture images, animations, video, audio, or a combination of the foregoing. Col. 14, ll. 60-62. Preferably, each advertisement has a display duration (e.g., 15 seconds, 30 seconds, etc.) after which it is replaced by the next advertisement. Col. 14, ll. 62-64.

*Itakura* discloses a display and display controller which receives an active image and a passive image (advertisement) over the World Wide Web for display in separate display areas. Col. 2, ll. 3-53. When making a request to an information provider, both the active images and passive images are sent from the information provider. Col. 2, ll. 54-57. *Itakura* goal is to accurately and effectively select and provide advertisements, while also providing the images requested by a user. Col. 2, ll. 33-37

Among other things, however, *Dwek* and *Itakura* fail to teach, suggest, motivate displaying a banner advertisement in an advertisement region of a display because a video advertisement to be displayed is not yet available. *Dwek* and *Itakura* do not even seem to recognize that video advertisements received over one or more video streams may not be available at the time a display screen is generated or displayed, and therefore offer no solution to a problem that remains unnoticed to them. Although *Dwek* indicates that advertisements may

take a variety of forms, including images and video, the portions of *Dwek* cited in the Office Action do not provide any insight as to what occurs if a particular video advertisement to be displayed is not available.

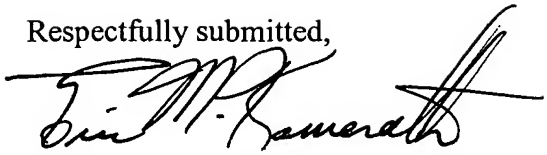
The Examiner seemed to concur with this analysis during the Interview and noted in the Interview Summary that the proposed amendments to the independent claims and arguments appear to distinguish over the art of record. The Interview Summary also indicates that the Examiner will give further consideration to the amendments and arguments upon receiving Applicants' formal response, and update the search if necessary.

Based on at least the foregoing reasons, Applicants respectfully submit that the cited prior art fails to anticipate or make obvious Applicants' invention, as claimed for example, in independent claims 1, 11, 21, and 32. Applicants note for the record that the remarks above render the remaining rejections of record for the independent and dependent claims moot, and thus addressing individual rejections or assertion with respect to the teachings of the cited art is unnecessary at the present time, but may be undertaken in the future if necessary or desirable, and Applicants reserve the right to do so.

In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 27th day of October, 2004.

Respectfully submitted,



RICK D. NYDEGGER
Registration No. 28,651
ERIC M. KAMERATH
Registration No. 46,081
Attorneys for Applicant
Customer No. 022913

EMK:kc
KC0000003278V001